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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/931,525	08/16/2001	David L. Patton	81219CF-P	3860

7590 11/27/2006

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EXAMINER
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HARRIER, JASON D

ART UNIT	PAPER NUMBER
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3628

DATE MAILED: 11/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/931,525

**Applicant(s)**

PATTON ET AL.

**Examiner**

Jason D. Harrier

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 17 March 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 37 and 38 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 37-38 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Status of Claims***

Claims 1-36 have been cancelled. Claims 37 and 38 are currently pending in this application for examination.

### ***Response to Arguments***

Applicant's arguments filed March 17, 2006, with respect to claim 37 and 38 have been considered but are moot in view of the new ground(s) of rejection.

Applicant's additional arguments filed March 17, 2006, with respect to the rejection under 35 U.S.C. Section 102 have been fully considered but they are not persuasive.

Applicant argues (with respect to claims 37 and 38) that Cordery fails to teach or suggest canceling only said first area based on said information obtained from said scanning. However, this limitation is disclosed within Cordery. (Figure 4; Col. 5, lines 16-17 and 39-46). Figure 4 specifically discloses wherein the sensor detects a first and second area, allowing the cancellation mark to avoid either area or both. (Figure 4; Col. 7, lines 34-56).

### ***Claim Rejections - 35 USC § 103***

Claims 37 and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cordery, U.S. Patent No. 6,085,182 in view of Kara, U.S. Patent No. 5,717,597.

As per **Claim 37**, Cordery discloses a method for canceling an official postal product having official postal indicia capable of being located on said postal product using a sensing device, comprising:

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- scanning postal product having at least a first area having a postal indicia and a second area using a sensing device for obtaining information with respect to the location of said first area; (Figure 4; Col. 2, lines 44-49; Col. 5, lines 15-18, lines 38-46; Col. 6, lines 60-64).
- canceling only said first area based on said information obtained from said scanning. (Figure 4; Col. 6, lines 60-64; Col. 7, lines 34-56).

Cordery fails to disclose wherein said second area contains a personal image. However, Kara teaches a method for printing postal indicia where the indicia contain a second area containing a personal image. (Figure 16B shows printed postal indicia including a second area containing personalized image; Col. 2, lines 33-44, lines 56-61; Col. 4, lines 3-12; Col. 16, lines 49-60). It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the method of Cordery to include a second area having a personal image as taught by Kara, because such images have personal or sentimental significance that require them to stay intact and unaltered throughout the postage handling process.

As per **Claim 38**, Cordery further discloses wherein said canceling is provided using an ink jet printer. (Col. 5, lines 4-8).

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

**Examiner's Note:** Examiner has cited particular columns, line numbers, and paragraphs in the references as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested that the applicant, in preparing responses, fully consider each of the references in its entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art disclosed by the examiner.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason D. Harrier whose telephone number is (571) 272-5866. The examiner can normally be reached on Monday - Friday 9:00am - 5:30pm EST..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Hayes can be reached on (571) 272-6708. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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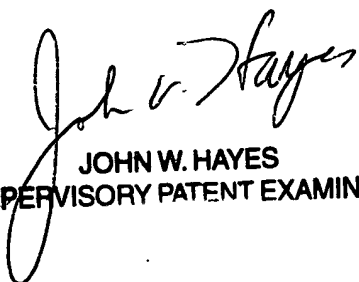
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Or fax to:

**(571) 273-5866** [Informal/Draft communications, labeled "PROPOSED" or "DRAFT"]

Hand delivered responses should be brought to the Customer Service Window, Randolph Building, 401 Dulany Street, Alexandria, VA 22314.

  
**JOHN W. HAYES**  
**SUPERVISORY PATENT EXAMINER**

Jason D. Harrier  
Examiner  
Art Unit 3628

JDH